

Submitted
10/17

October 17, 2018

RE: Draft Update of Thurston County Shoreline Master Program

By: Meredith Rafferty, resident and homeowner

Comments to Planning Commission regarding "Shorelines of Statewide Significance"

On the State Department of Ecology's website (see the long link in blue below), it says the Puget Sound shoreline areas for statewide significance are defined by state law as **waterward and are not the shorelands** as excerpted below:

"Shorelines of statewide significance" (per Dept. of Ecology website)

"The state **Shoreline Management Act (SMA)** defines a special category of shorelines where statewide interests take priority and specific uses are preferred. These "shorelines of statewide significance" include certain marine areas and larger streams, rivers, and lakes in Washington.

"Marine areas"

There are three different types of marine areas considered to be shorelines of statewide significance:

- **Pacific Ocean coastline**, from Cape Disappointment to Cape Flattery — including all the harbors, bays, estuaries, and inlets seaward from the ordinary high water mark and all associated shorelands.
- **Specific estuarine areas**, including Birch Bay, Hood Canal, Nisqually River delta, Padilla Bay and Skagit Bay situated between the ordinary high water mark and the extreme low tide line and associated shorelands.
- **All other areas of Puget Sound, Strait of Juan de Fuca, and adjacent saltwater areas** lying waterward of the extreme low tide, excluding adjacent tidelands and shorelands."

<https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Shoreline-coastal-planning/Shoreline-Management-Act-SMA/Shoreline-Management-Act-jurisdiction/Shorelines-of-statewide-significance>

However, the County's draft SMP continues to expand the definition by the way item E. is worded in its definition (pg. 17):

(per draft Thurston County SMP, pg. 19)

“19.150.740 Shorelines of Statewide Significance:

shorelines in Thurston County designated as shorelines of statewide significance are:

A. Nisqually Delta – from DeWolf Bight to Tatsolo Point, between the ordinary high water mark and the line of extreme low tide, together with shorelands associated therewith per RCW 90.58.030(2)(f)(vi).

B. **Puget Sound** – seaward from the line of extreme low tide.

C. Lakes, whether natural or artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark.

D. Natural rivers or segments thereof downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more.

E. **Shorelands** and wetlands **associated with A through D above”**

Three-minute comment provided by Meredith Rafferty on October 17, 2018:

Planning Commissioners, thank you for being our citizen representatives.

My name is Meredith Rafferty, my husband and I are home owners on salt water property in unincorporated Thurston County.

I have been a homeowner in Thurston County for some 50 years; you could say that I grew up in my home ownership with the Shoreline Management Act and the Growth Management Act.

I am supportive of these Acts and stay involved so I can figure out what's expected of me.

Now, for the first time in some 30 years, the SMP is open for planning the next decades of shoreline use. From the beginning of reviewing this draft update, you and residents have been asking to focus on what's needed and what the problems are and therefore come up with options on what to do and what to correct.

So I draw your attention to a dramatic change in oversight presented in this draft. And I respectfully request asking staff for their rationale.

The change is on page 19 in the definition of "Statewide Significance". This change would move consideration of what will be allowed on upland salt water properties from local to statewide priorities. Moreover, Thurston County will be unilaterally taking this stance in opposition to a state law which expressly states that the State Legislature is the only entity authorized to designate the coverage of this definition.

Neighboring counties and cities on the same Puget Sound have not made this change.

What is going on?

This issue has repeatedly been brought to the attention of staff in filed correspondence.

The key words are "shorelands" and exclusions for Puget Sound tidelands and shorelands.

I am providing you a document with the specifics of this definition change and a copy of prior correspondence submitted as comment.

Thurston County Shoreline Stakeholders Coalition
4108 Kyro Rd SE. Lacey, WA 98503

January 31, 2018

TO: Thurston County Planning Commissioners

Thru: Brad Murphy
Senior Planner, Long Range Planning
Thurston County Resource Stewardship

From: John Woodford, Chairman
Thurston County Shoreline Stakeholders Coalition

Re: Shoreline Master Program Update – Shorelines of Statewide Significance

We draw your attention to Section 19.300.100 of the draft Shoreline Master Program update. The proposed wording broadens the definition of "Shorelines of Statewide Significance" to include all uplands and tidelands of Puget Sound. This is in conflict with state law of RCW 90.58.310 which states "Additional shorelines of the state shall be designated shorelines of statewide significance only by affirmative action of the legislature."

The draft wording then continues to apply the more restrictive, priority-ordered goals of the Shorelines of Statewide Significance to all shorelines throughout the County.

This draft wording reads as an attempt to increase shoreline regulations throughout the County by subjecting all properties to the more stringent requirements of the Shorelines of Statewide Significance, over and beyond the County's current regulations. This proposed expansion of regulation would be unilateral; it is not undertaken by any of our neighboring counties.

On November 14, 2017, Senior Planner Brad Murphy reported to the Thurston County Board of Commissioners that "We are following the Board's direction wanting to move forward as quickly as possible with the least restrictive possible shoreline regulations..." This regulatory expansion contradicts that purpose. We request that the draft's definition of Shorelines of Statewide Significance be corrected to the precise wording assigned in the state law.

We also request that the format of the draft section's "County-wide Policies" be returned to those of the current SMP (i.e., 1990 version) and continued input and consideration be given to the policies.

Thank you for your consideration.

John Woodford, Chairman
Thurston County Shoreline Stakeholder Coalition
4108 Kyro Rd SE, Lacey WA 98503
